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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,146	11/25/2003	Takeo Iwama	1418.1005D	4308
21171 7590	12/30/2004		EXAMINER	
STAAS & HALSEY LLP		LAUCHMAN, LAYLA G		
SUITE 700	AMENDIE NIM		ART UNIT	PAPER NUMBER
1201 NEW YORK AVENUE, N.W.			2877	

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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	Application No.	Applicant(s)	***
Office Action Commence	10/720,146	IWAMA, TAKEO	
Office Action Summary	Examiner	Art Unit	
	L. G. Lauchman	2877	
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet w	ith the correspondence address -	•
A SHORTENED STATUTORY PERIOD FOR REPL' THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1: after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a y within the statutory minimum of thi vill apply and will expire SIX (6) MOI , cause the application to become A	reply be timely filed  ty (30) days will be considered timely.  NTHS from the mailing date of this communica  BANDONED (35 U.S.C. § 133).	ition.
Status			
1) Responsive to communication(s) filed on 04 O	ctober 2004.		
2a) This action is <b>FINAL</b> . 2b) ☐ This	action is non-final.		
3) Since this application is in condition for allowar	nce except for formal mat	ters, prosecution as to the merits	sis
closed in accordance with the practice under E	Ex parte Quayle, 1935 C.	). 11, 453 O.G. 213.	
Disposition of Claims			
4) Claim(s) 1,2 and 5-8 is/are pending in the appl	ication.		
4a) Of the above claim(s) is/are withdraw	wn from consideration.		
5) Claim(s) <u>1,2,7 and 8</u> is/are allowed.			
6)∐ Claim(s) <u>5 and 6</u> is/are rejected.			
7) Claim(s) is/are objected to.			
8) Claim(s) are subject to restriction and/o	r election requirement.		
Application Papers			
9) The specification is objected to by the Examine			
10)☐ The drawing(s) filed on is/are: a)☐ acc			
Applicant may not request that any objection to the		• •	
Replacement drawing sheet(s) including the correct	•		` '
11)☐ The oath or declaration is objected to by the Ex	taminer, Note the attache	3 Office Action of form P1O-152	
Priority under 35 U.S.C. § 119			
12) ☐ Acknowledgment is made of a claim for foreign a) ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority document:	s have been received.		
2. Copies of the portified copies of the priority		· ·	
<ol> <li>Copies of the certified copies of the prior</li> <li>application from the International Bureau</li> </ol>	-	received in this National Stage	
* See the attached detailed Office action for a list	• • • • • • • • • • • • • • • • • • • •	received.	
Attachment(s)			
1) Notice of References Cited (PTO-892)		Summary (PTO-413)	
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)		s)/Mail Date · nformal Patent Application (PTO-152)	
Paper No(s)/Mail Date	6)  Other:		

#### Terminal Disclaimer

The terminal disclaimer filed on 10/04/2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US patent 6,687,001 has been reviewed and is accepted. The terminal disclaimer has been recorded.

## Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 5 and 6 rejected under 35 U.S.C. 102(b) as being anticipated by Saunderson et al (US 3,163,698).

As to Claim 5, the patent teaches a spectroscopic apparatus comprising:

a device 20 changing an angle of a light, the device being controllable (by 42) to control the angle; and a photodevice array (36 and 38) receiving the light having the changed angle, the device being controlled in accordance with the light as received by the photodevice array to control the angle (see col. 3, lines 34-41).

As to Claim 6, the patent teaches a spectroscopic apparatus comprising:

a device 20 changing an angle of light; a photodevice array (36 and 38) receiving the light having the changed angle; and means 40 for controlling the device to

control the angle to thereby improve measurement accuracy of the optical spectrum analyzer (see col. 3, lines 34-41).

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### Allowable Subject Matter

Claims 1, 2, 7 and 8 are allowed.

The following is an examiner's statement of reasons for allowance:

As to Claim 1, the prior art of record taken along or in combination, fails to disclose or render obvious a device diffracting the light output from the spectrograph at an angle, and a control circuit detecting a wavelength deviation in accordance with the light detected by the photodevice array and an assigned position of a wavelength of the diffracted light in the photodevice array, and controlling the device to control the angle in accordance with the detected wavelength deviation, in combination with the rest of the limitations of the claim.

As to Claim 2, the prior art of record taken along or in combination, fails to disclose or render obvious the first and second photodevice arrays together detecting the light output by the spectrograph and having an angle changed by the device, in combination with the rest of the limitations of the claim.

As to Claim 7, the prior art of record taken along or in combination, fails to disclose or render obvious a device changing an angle of the light output from the spectrograph, means for detecting a wavelength deviation in accordance with the light detected by the photodevice array and an assigned position of a wavelength of the light in the photodevice array, and for controlling the device to control the angle in

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accordance with the detected wavelength deviation, in combination with the rest of the limitations of the claim.

As to Claim 8, the prior art of record taken along or in combination, fails to disclose or render obvious the photodevices of the second photodevice array being arranged to compensate for the gaps between the photodevices of the first photodevice array, the first and second photodevice arrays together detecting the light diffracted by the device to thereby detect a spectrum by the optical spectrum analyzer, in combination with the rest of the limitations of the claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### Response to Arguments

Applicant's arguments with respect to claim 5 have been considered but are moot in view of the new ground(s) of rejection.

#### Conclusion

Papers related to this application may be submitted to Technology Center 2800 by facsimile transmission. Papers should be faxed to TC 2877 via the PTO Fax Center located in CP4-4C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The CP4 Fax Center number is (703) 872-9306.

If the Applicant wishes to send a Fax dealing with either a Proposed Amendment or for discussion for a phone interview then the fax should:

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a) Contain either the statement "DRAFT" or "PROPOSED AMENDMENT" on the Fax Cover Sheet; and

b) Should be unsigned by the attorney or agent.

This will ensure that it will not be entered into the case and will be forwarded to the examiner as quickly as possible.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to L. G. Lauchman whose telephone number is (571) 272-2418. The examiner's normal work schedule is 8:00am to 4:30pm (EST), Monday through Friday. If attempts to reach examiner by the telephone are unsuccessful, the examiner's supervisor Gregory J. Toatley, Jr. can be reached on (571) 272-2059, ext. 77.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC receptionist whose telephone number is (571) 272-1562.

L. G. Lauchman Patent Examiner Art Unit 2877

December 22, 2004